

AGENDA
ASSEMBLY BUDGET SUBCOMMITTEE NO. 5
ON PUBLIC SAFETY

ASSEMBLYMEMBER SHIRLEY N. WEBER, PH.D., CHAIR

MONDAY, APRIL 22, 2019
 2:30 P.M. – STATE CAPITOL, ROOM 437

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VOTE-ONLY**8940 CALIFORNIA MILITARY DEPARTMENT**

VOTE-ONLY ISSUE 1: ADMINISTRATIVE RESOURCES FOR RESPONSE ACTIVITIES

The Governor's proposal provides \$1.74 million ongoing General Fund and eight positions to maintain, improve, and expand the use of military air and ground administrative resources for response activities of the Military Department. The Military Department is part of an interagency cooperative agreement with CAL FIRE and the Office of Emergency Services (OES). The proposal will enable CAL FIRE and OES to efficiently and safely leverage the many federal assets within the Military Department in support of firefighting operations throughout the state.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 2: SFL: LOS ALAMITOS: STARBASE CLASSROOM BUILDING

The Governor's proposal provides a reappropriation of \$1.7 million General Fund for the preliminary plans, working drawings, and construction phases of the Los Alamitos STARBASE classroom building project. This request allows the Military Department to complete the design phase of the project and proceed to construction in 2019-20.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 3: SFL: LOS ALAMITOS: NATIONAL GUARD READINESS CENTER

The Governor's proposal provides \$200,000 General Fund for the acquisition phase of the continuing Los Alamitos National Guard Readiness Center project and a reappropriation of the construction phase of the project of \$24.7 million General Fund. As part of this request, the Military Department requests an additional \$2.15 million General Fund for the construction phase of the project which is related to increased escalation and current conditions in the construction services market.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 4: SFL: STATE ACTIVE DUTY COMPENSATION ADJUSTMENT

The Governor's proposal provides a net reduction of \$82,000 (an increase of \$8,000 General Fund and reductions of \$87,000 Federal Trust Fund, \$2,000 reimbursement authority and \$1,000 Mental Health Services Fund) to align the pay of its state active duty employees to the pay of service members of similar grade in the United States Army, United States Air Force, and United States Navy, pursuant to Military and Veterans Code sections 320 and 321.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 5: SFL: WORK FOR WARRIORS

The Governor's proposal provides \$670,000 ongoing General Fund for the Work for Warriors employment assistance program to reduce unemployment amongst veterans. Work for Warriors, first established to reduce the unemployment of the California National Guard, has since expanded to serve all veterans and their spouses throughout California. California leads the nation with 37,000 unemployed veterans and 936,000 veterans not in the labor force.

Staff Recommendation: Approve as Budgeted.

0690 OFFICE OF EMERGENCY SERVICES

VOTE-ONLY ISSUE 6: SACRAMENTO: FIRE APPARATUS MAINTENANCE SHOP AND GENERAL PURPOSE WAREHOUSE

The Governor's Budget includes \$2.2 million General Fund for the Office of Emergency (OES) services to exercise the lease purchase option to acquire 18,000 square foot Fire Apparatus Maintenance Shop and General Purpose Warehouse in Sacramento. The facility is currently being used as a fire apparatus maintenance facility and a warehouse for essential fire and rescue supplies and equipment needed for major disaster response operations.

Staff Recommendation: Approve as budgeted for 2019-20, with a reduction commensurate with the facility leasing costs in 2020-21 and ongoing.

VOTE-ONLY ISSUE 7: FEDERAL TRUST FUND AUTHORITY INCREASE

The Governor's Budget includes \$110 million Federal Trust Fund authority for increases in the Hazard Mitigation Grant Program and the Violence of Crimes Act grants. This additional authority enables OES to provide timely funding to grant applicants.

Staff Recommendation: Approve as Budgeted.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

VOTE-ONLY ISSUE 8: SFL: ADJUSTMENT TO PARTNERSHIP WITH CALIFORNIA VOLUNTEERS AND OTHER TECHNICAL ADJUSTMENTS

The Governor's Budget includes various technical adjustments that result in a decrease of \$1.17 million to item 5225-001-0001 as it relates to the Division of Juvenile Justice's California Volunteers proposal which corrects one-time funds erroneously budgeted as ongoing, and an increase of 2.4 positions to support the 7-day operations at the Ventura Training Center.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 9: AMERICANS WITH DISABILITIES ACT ACCESSIBILITY IMPROVEMENTS AT TWO INSTITUTIONS

The Governor's Budget includes \$4.2 million General Fund in 2019-20 and \$4.2 million General Fund in 2020-21 for construction of Americans with Disabilities Act (ADA) accessibility improvements at the California Institution for Women and Mule Creek State Prison. The California Department of Corrections and Rehabilitation commissioned a survey of institutions designated as part of the Disability Placement Program in order to determine what improvements would be necessary pursuant to ADA Accessibility Guidelines. Failure to address the identified deficiencies may potentially lead to a costly court order from the *Armstrong* federal class action lawsuit.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 10: STATEWIDE TELEHEALTH SERVICES

The Governor's Budget includes \$6 million in 2019-20 and \$5.4 Million in 2020-21 and ongoing to expand the Telehealth Services Program. This includes funding to purchase telehealth equipment and software, establish dedicated management oversight, and provide technology and business operations support for the expanded program. California Correctional Health Care Services is increasing the practice of providing medical and mental health services remotely through telehealth which includes tele-psychiatry and telemedicine. This approach allows the provision of primary care services to cover for institutional provider vacancies while reducing costs associated with transporting patients to appointments.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 11: EDUCATIONAL PARTNERSHIPS PROGRAM STAFFING

The Governor's Budget includes \$1.8 million General Fund and 10 limited term positions for three years beginning in 2019-20 and six additional limited-term positions and \$1.2 million General Fund for two years beginning in 2020-21 to provide dedicated resources to support and expand the Educational Partnerships Program (EPP), including establishing a Nurse Practitioner residency program. The goal of the EPP expansion is the creation of a workforce pipeline to recruit health care providers who are familiar with correctional health care from completing rotations at CDCR facilities. The EPP currently comprises the Student/Resident Rotation program which partners with medical schools and universities to allow medical students to perform a one-month rotation within a CDCR prison. Expanding EPP to include nurse practitioners allows CDCR to address the insufficient pool of nurse practitioners. Currently, EPP is using staff borrowed temporarily from other assignments to facilitate the program.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 12: CHULA VISTA PAROLE OFFICE RELOCATION

The Governor's Budget includes \$657,000 General Fund in 2019-20 and ongoing for the lease of two parole offices to replace the existing Chula Vista complex, one-time \$1.1 million General Fund in 2019-20 for moving expenses, and \$192,000 General Fund across 2020-21 through 2023-24 for annual lease increases. This proposal would allow CDCR's Division of Adult Parole Operations to locate offices closer to the communities served by the parole units and accommodate projected changes in the parole population. The current Chula Vista Complex houses five parole units that supervise 1,900 parolees residing in a coverage area of approximately 2,000 square miles.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 13: LOS ANGELES PAROLE OFFICE RELOCATION

The Governor's Budget includes \$1 million General Fund in 2019-20 and ongoing for the lease of three parole offices to replace the existing Alameda complex. In addition, the proposal includes \$6.8 million General Fund across 2019-20 through 2022-23 for tenant improvements. The nine parole units housed at the Los Angeles Parole Complex supervise over 4,600 parolees residing in a coverage area of approximately 560 square miles and average 1,200 visitors per week. The current complex will not be able to serve projected increases in the parole population and associated staff.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 14: DEPARTMENT OF GENERAL SERVICES STATEWIDE SURCHARGE FEE INCREASE

The Governor's Budget includes \$2.3 million General Fund ongoing to the California Department of Corrections and Rehabilitation (CDCR) for increases related to the Department of General Services (DGS) statewide surcharge. The statewide surcharge was implemented in 2005-06 to provide a more equitable method of recovering costs associated with central services delivered by DGS. As California's largest employer, CDCR is responsible for 27.3% of the statewide surcharge and, since its implementation, CDCR's share has increased by 92 percent. It is projected to increase to \$16.3 million in 2019-20.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 15: RENT INCREASES

The Governor's Budget includes \$1.8 million General Fund ongoing for rent increases in the California Department of Corrections and Rehabilitation's (CDCR) Central Administration 32 central office buildings throughout the state occupied by 4,100 employees. CDCR is currently leasing these spaces and the office rent costs have been increasing at an average rate of 2.37% per year since 2014.

Staff Recommendation: Approve as Budgeted.

ITEMS TO BE HEARD

GOVERNOR'S OFFICE

ISSUE 1: PENAL CODE REVIEW

The Administration will provide an overview of the proposal related to the penal code review.

PANELISTS

- Department of Finance
- Legislative Analyst's Office

BACKGROUND

The following background was provided by the Department of Finance:

“The California Penal Code has dramatically increased in size from about 234,000 words in 1965 to 1.2 million in 2018. There are more than 5,000 separate criminal provisions specifying criminal behavior, penalties for convictions, additional enhancements, and credit earning once incarcerated. This complex statutory structure requires study and recommendations to revise the Penal Code.

The reason for the new committee to be established as a component of the California Law Revision Commission is first because it would help the committee get up and running quickly, without the need to create new administrative and operational practices. Second, it would allow both the committee and Commission to work on separate tracks, without interfering with each other's progress. Finally, it would allow for specialization of the membership of the two panels. Historically, the Commission's work has not focused on criminal justice reform. Its members were not chosen for expertise in that subject and generally have careers in civil, rather than criminal law. By contrast, the members of the Committee could be selected for their experience in criminal law and policy.

While the committee would be a part of the Commission for the purposes of administration and staffing, the committee would have independent authority to make recommendations to the Legislature and the Governor—Commission approval would not be required for any policy decision of the committee. The committee would conduct its own meetings, based on its own deliberative materials. The Commission would not duplicate that work nor weigh-in on the committee's recommendations. The independence of the committee is also important to maintaining the effectiveness of the Commission.”

Proposed Funding

The Governor's budget includes \$576,000 to support a new committee that will be established under the California Law Revision Commission. The new committee will have separate powers to make policies and take actions, and to review and make recommendations to the Legislature and the Governor on revisions to the Penal Code. The committee will begin an effort to simplify and rationalize criminal law and criminal procedures, establish alternatives to incarceration that aid rehabilitation and protect public safety, improve parole and probation systems, and adjust the length of sentence terms based on certain considerations. The proposal includes \$25,000 for the committee to hire an outside consultant to serve the committee's needs.

Staff Recommendation: Hold Open.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**ISSUE 2: BUDGET PROPOSALS FROM THE RECEIVER'S OFFICE**

The Receiver's Office will provide an update on the status of CDCR prisons that have been delegated back to the state and update on medication assisted substance use disorder treatment plan, and an overview of various budget proposals.

PANELISTS

- Receiver
- California Department of Corrections and Rehabilitation
- Department of Finance
- Legislative Analyst's Office

BACKGROUND

In 2006, after finding the state failed to provide a constitutional level of medical care to prison inmates, the federal court in the *Plata v. Brown* case appointed a Receiver to take control over the direct management of the state's prison medical care delivery system from the California Department of Corrections and Rehabilitation (CDCR). This means that the Receiver, rather than the state, generally has control over medical care in state prisons. In order for the state to regain control, the state must demonstrate that it can provide a sustainable constitutional level of care. In March 2015, the *Plata* court issued an order outlining the process for transitioning responsibility back to the state. Under the order, responsibility for each institution, as well as overall statewide management of inmate medical care, must be delegated back to the state. Currently, 19 out of 34 prisons have been delegated back to the state.

Medication assisted substance use disorder treatment (SUDT) plan. In October of 2018, the Receiver announced a tentative plan to provide medication assisted substance use disorder treatment to inmate in state prison with the following goals:

- Reduce opioid overdose deaths within CDCR;
- Improve continuity of treatment for inmates coming into and leaving CDCR; and,
- Developing a system-wide SUDT program, based in the chronic disease management and complete care programs, including Medication Assisted Treatment (MAT).

With respect to state correctional systems, from 2001-2014, California's state prison system had 32% of all overdose deaths in all state and federal prison systems in the country, yet in 2014, California had approximately 8.7% of state and federal prison inmates.

CDCR hosted a meeting with stakeholders subsequent to that announcement, but further details of the plan have not been released.

Proposed Funding

Statewide-Medication Distribution Improvements Phase II. The Governor's Budget includes \$3.69 million General Fund for the design and construction for the second phase of medication distribution improvements in 13 prisons. The total estimated project costs is \$37 million. There are 13 separate projects with the same objective in this proposal.

Contract Medical Augmentation: The spring finance letter proposes an augmentation of \$61.9 million for the CA Correctional Health Care Services contract medical services.

Staff Recommendation: Hold Open.

ISSUE 3: DIVISION OF JUVENILE JUSTICE

The California Department of Corrections and Rehabilitation (CDCR) shall provide an overview of the proposal to shift the Division of Juvenile Justice to the Health and Human Service Agency. CDCR will be joined by a panel of youth justice experts and advocates.

PANELISTS

- California Department of Corrections and Rehabilitation, Division of Juvenile Justice
- Maureen Washburn, Center for Juvenile and Criminal Justice
- Elizabeth Calvin, Human Rights Watch
- Israel Villa, MILPA
- Department of Finance
- Legislative Analyst's Office

BACKGROUND

The Division of Juvenile Justice (DJJ) is currently a division within the California Department of Corrections and Rehabilitation. The 2018-19 budget provided a total of \$198.5 million, an average of roughly \$300,000 per youth and authorized a staffing level of 1,035 staff. As of March 7, 2019, there are currently 691 youth incarcerated in the Division of Juvenile Facilities (DJF). The youngest individuals are 15 years of age and the average age is about 19. There are currently 4 facilities, two located in Stockton, one located in Ventura, and a conservation camp in Pine Grove. The Administration projects that the daily DJJ population will increase to 760 youth in 2019-20, primarily due to the policy changes limiting which youth can be tried in adult court.

In 2003, a lawsuit, *Farrell v. Allen*, was filed against the state, alleging that it failed to provide adequate care and effective treatment programs to youths housed in DJJ. In 2004, the state entered into a consent decree in the Farrell case and agreed to develop and implement six remedial plans related to safety and welfare, mental health, education, sexual behavior treatment, health care, dental services, and youth with disabilities. The overarching goal of these plans was to move DJJ toward adopting a “rehabilitative model” of care and treatment. This included the implementation of the Integrated Behavioral Treatment Model, which is designed to provide a comprehensive approach to assessing and treating youth while also reducing the likelihood of institutional violence and future criminal behavior. In February 2016, the lawsuit was terminated after the court overseeing the case found that DJJ had sufficiently complied with the requirements of the remedial plans. This released DJJ from court oversight and gave it greater flexibility in determining how to house and treat youth.

Findings from Center on Juvenile and Criminal Justice report “*Unmet Promises: Continued Violence and Neglect in California’s Division of Juvenile Justice*” include:

1. Violence and use of force rates have increased in nearly all of the DJJ facilities.
2. It is difficult for youth to maintain close bonds with family and community members during their confinement at DJJ due to restrictions on phone calls and visitation as well as the remote location of the facilities, which are unreachable by public transportation.
3. Youth released from DJJ struggle to adjust to life outside of a secure institution and find it difficult to navigate the transition from state custody to county supervision.
4. The DJJ institutions were built according to an outdated congregate design in the model of a prison. State taxpayers can expect substantial future costs associated with making these facilities safe and habitable for youth.

LEGISLATIVE ANALYST’S OFFICE (LAO)

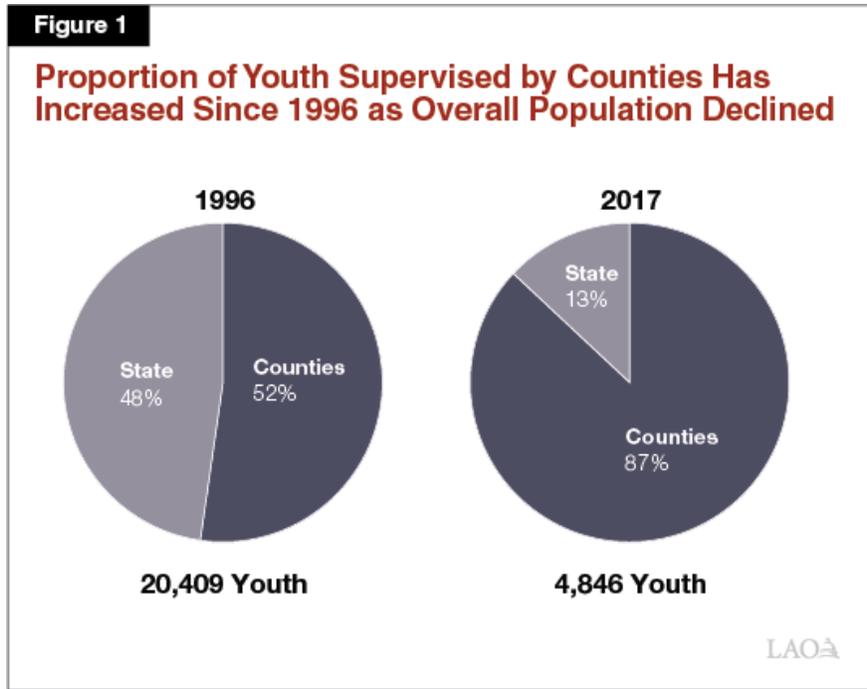
The LAO notes that the Executive Branch Reorganization Process, granted by the Legislature to the Governor, provides the authority to reorganize functions among executive officers and agencies through this process. The process is summarized below:

- Before initiating the reorganization process, the Governor must give a copy of the reorganization plan to Legislative Counsel for statutory drafting so that it reflects the form and language suitable for enactment in statute and to ensure that the plan clearly and specifically expresses its nature and purpose.
- At least 30 days before submitting a reorganization plan to the Legislature, the Governor must submit the plan to the Little Hoover Commission—an independent state oversight agency tasked with reviewing and making recommendations to the Governor and Legislature on state operations and any proposed government reorganization plan.
- Once the Governor submits the plan to the Legislature, (1) the Little Hoover Commission has 30 days to issue a report reviewing the plan and (2) the Legislature has 60 days to consider the proposal. Upon receipt, the plan is referred to policy committees of each house. The committees study and report on the plan no later than ten days prior to the end of 60-day period. Either house can reject the proposal by majority vote—but not until its policy committee has issued a report or the report’s deadline has passed.
- If neither house rejects the reorganization plan during the 60-day period, it goes into effect on the 61st day.

The LAO states that while the Governor's proposal to place DJJ under the HHS Agency with the goal of improving the outcomes of youth could have some potential benefits, the Administration has provided very little in the way of details at this time about how the reorganization would be implemented and why it is needed. Given the complexity of both the state's juvenile justice system and the process of reorganizing state government, the LAO states there should be a well-defined purpose and plan for carrying out this proposal.

1. **Does DJJ Need to Be Reorganized to Improve Rehabilitation?** Currently, it is unclear what specific barriers to rehabilitation currently exist, what specific outcome target the administration is seeking to achieve, and how DJJ is currently performing.
2. **What Are Potential Benefits of the Proposed Reorganization?** The reorganization could potentially result in certain benefits, such as improved rehabilitation and reduced costs for the state. However, the Governor has not provided specific information on the extent to which the reorganization would accomplish these benefits or why they could not be pursued with DJJ's current organizational structure.
3. **What Are Potential Consequences of the Proposed Reorganization?** The reorganization may not result in improved outcomes, could increase costs, and could result in unintended consequences such as complicating coordination with CDCR.
4. **Are There Alternative Organizational Options Available?** The Legislature will want to consider what other options are available to adjust the organizational structure of the state's juvenile justice system, including trends in how other states have organized their juvenile justice systems.
5. **Should the Reorganization of DJJ Be Done Through Budget Trailer Legislation?** The administration has not provided a rationale why the proposed reorganization should be done with budget trailer legislation rather than going through the executive branch reorganization process established in statute.

The LAO notes that counties now are responsible for a greater portion of youth, although the size of the populations they are responsible has declined. If a juvenile court judge finds that a youth committed certain significant crimes, the judge can place the youth in state juvenile facilities operated by DJJ. Very few youth are placed in DJJ by the juvenile courts. For example, only 224 youth were sent to DJJ in 2017—less than 1 percent of the youth placed by juvenile courts. The figure on the following page shows the number of youth in detention at the county level:



The LAO states that as the Governor develops his proposed reorganization of DJJ and provides additional detail going forward, it will be important for the Legislature to consider these questions and weigh the relative trade-offs of such a change. Moreover, the Legislature could consider alternative approaches to the Governor’s proposal that could more effectively result in improved outcomes for youth

STAFF COMMENTS

Staff notes that under DJJ’s current leadership, the youth facilities have made significant progress in the areas of expanding rehabilitative and treatment focused programming, particularly from community based organizations and individuals who had been previously incarcerated in DJJ. In addition, DJJ’s leadership has sought to expand opportunities for “honorable discharge,” which would assist in removing barriers to youth upon their release back into the community as they seek employment, education, and housing needs. Many of these notable efforts are hindered by the facility conditions that are not conducive to programming and a culture that has not yet fully embraced these approaches. These challenges may be overcome by the Governor’s proposal to shift DJJ away from CDCR to the Health and Human Services Agency which is a significant step in the right direction that will continue the state’s trajectory towards being a model for youth justice reform. The Subcommittee is in receipt of letters from the following advocates that support this shift and also call on the Administration and the Legislature to engage in more comprehensive juvenile justice reform since the vast majority of youth impacted by the juvenile justice system are referred to county programs and placements:

Anti-Recidivism Coalition
Center on Juvenile and Criminal Justice
Children's Defense Fund
Ella Baker Center for Human Rights
Fathers and Families of San Joaquin
First District Appellate Project
Healing Dialogue and Action
Human Rights Watch
MILPA
National Center for Youth Law
Pacific Juvenile Defender Center
W. Haywood Burns Institute
Youth Justice Coalition

The advocates' recommendations include:

1. Create and adopt a uniform youth development framework across all youth serving systems that would facilitate continuity and effective coordination of services for youth, along with the creation of a centralized youth authority. A commission/taskforce should be convened to help plan DJJ's shift and to create this framework.
2. End the Board of State and Community Corrections authority over children and youth and shift responsibility of granting, data, promulgation of facility standards, and technical service provision to local jurisdictions on facility conditions to the centralized youth agency.
3. Create a state oversight body with meaningful enforcement authority over youth development.
4. End the use of large DJJ facilities for cases adjudicated in juvenile court and shift youth into small, regionally based facilities that repurpose existing county facilities (no new facilities), be limited to no more than 30 beds and only for youth with the most serious offenses, be close to families, prioritize care and treatment that promote youth development, and with a goal of reducing the detained youth population.
5. Increase infrastructure for community-based responses including directing existing funding streams like the Juvenile Justice Crime Prevention Act funding to accomplish this purpose.

6. Write a new youth justice code, including a new youth justice purpose statement, drafted by a diverse group of stakeholders, including those directly impacted by the juvenile justice system.

Staff Recommendation. Staff notes that at the time of drafting the agenda for this hearing, the trailer bill language and other details associated with this proposal was not available. In the interests of providing sufficient time for public input and addressing concerns and issues raised by stakeholders, staff makes the following recommendations for consideration by the subcommittee in developing a plan for the shift:

1. **Timeline.** Provide for a shift of the Division of Juvenile Justice into a new youth development focused, centralized that is housed in the Health and Human Services Agency by July 1, 2021, subject to an appropriation by the Legislature and accompanying trailer bill language.
2. **Stakeholder Taskforce.** Establish a diverse stakeholder taskforce made up of 12 experts in the field of youth development, effective youth delinquency interventions, rehabilitative and trauma-informed youth programming, and those personally impacted by the juvenile justice system to develop a plan with recommendations.

The taskforce shall submit their plan with recommendations to the Administration and the Legislature by April 1, 2020, for consideration. Recommendations should address, at a minimum, the following issue areas:

- **Transition:** Develop a plan to transition DJJ away from CDCR to the Health and Human Services Agency, including defining the role and responsibilities of the new centralized youth development authority
- **Programming Goals:** Assess current programming and consider innovative or evidence based programming to improve youth outcomes and reduce recidivism.
- **Physical Facility and Location:** Recommend any changes needed regarding the physical conditions and location of current DJJ facilities, including the consideration of factors that promote improved youth outcomes and reduced recidivism.
- **Complementary policies.** Provide complementary policy recommendations that have a nexus to the shift of DJJ into HHS and the goal of improving outcomes of justice system-involved youth in the state.

3. **Oversight.** Require the Office of Inspector General’s authority to maintain its oversight of DJJ after the shift from CDCR to HHS.

4. **Costs.** The Department of Finance shall provide cost estimates of this shift to the Legislature as part of the Governor’s January 10, 2021 proposed budget. The Legislative Analyst’s Office shall separately provide an analysis of the DOF’s assessment and cost estimates by February 22, 2021.

Staff Recommendation: Hold Open.

8120 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

ISSUE 4: INCREASED PEACE OFFICER TRAINING

The Commission on Peace Officer Standards and Training will provide an overview of the proposal for increase peace officer training.

PANELISTS

- Commission on Peace Officer Standards and Training
- Department of Finance
- Legislative Analyst's Office

BACKGROUND

The Commission on Peace Officer Standards and Training (POST), created in 1959, establishes and maintains selection and training standards for California law enforcement. A total of 608 state and local law enforcement agencies participate in the POST program, with more than 96,000 peace officers and public safety dispatchers under the POST umbrella. POST is responsible for setting minimum selection and training standards for California law enforcement, developing and running law enforcement training programs, improving law enforcement management practices, and reimbursing local law enforcement for training. In order to meet its responsibilities, the different divisions and bureaus within POST operate various programs. Some of these program include: (1) developing and maintaining basic training programs (such as the Regular Basic Academy Course); (2) researching, developing, and offering videos, simulator training, and other courses; (3) issuing professional certificates to recognize training or experience achievements; and, (4) overseeing and managing law enforcement training instructors and ensuring the quality of delivery.

Existing POST regulations require each peace office and public safety dispatcher to receive 24 hours of Continuing Professional Training (CPT) every two years. For peace officers, 14 of the CPT hours must include Perishable Skills Program (PSP) training: four hours of driving training, four hours of defensive tactics, four hours of firearms, and two hours of tactical communications. Annual audits of POST agencies have revealed smaller agencies struggle to meet the mandated 14 hours of PSP training.

Funding for POST. Prior to 2017-18, the primary fund source for POST had been the Peace Officers' Training Fund, which received revenue from monies collected from certain criminal fines and fees levied by trial courts and has seen been eliminated. Currently, POST is partially funded from the State Penalty Fund (SPF), which also receives revenue criminal fines and fees.

Due to a significant decline in fine and fee revenue in recent years, funding for POST was reduced beginning in 2009-10. In recognition of this decline, General Fund support has been provided to POST on a one-time basis in recent years. For example, \$3.2 million in POST costs were shifted to the General Fund in 2014-15 on a one-time basis.

The revised 2018-19 budget includes a total of \$75 million for POST. This includes \$48 million from SPF, \$25 million in one-time General Fund support, and \$2 million in reimbursements. The General Fund amount includes: (1) \$15 million for use of force and de-escalation training; (2) \$5 million for crisis mental health training; and, (3) \$5 million to provide competitive grants for innovative trainings or procedures that could reduce officer-involved shootings.

Proposed Funding

The Governor’s Budget proposes ongoing \$34.9 million General Fund and 11 positions to restore POST to prior levels of funding, bringing the total POST budget to \$81.4 million, which is an 8.6 percent increase above the revised 2018-19 level. Resources will be provided for POST administration, additional training opportunities, and increased funding for local assistance and reimbursement provided to local law enforcement agencies.

LEGISLATIVE ANALYST’S OFFICE (LAO)

The Legislative Analyst’s Office (LAO) provides the following table to summarize how POST plans to use the proposed funding:

Planned Use of Proposed 2019-20 General Fund Augmentation for POST

(In Millions)

Purpose	Amount
POST Administration	
Replace and modernize technological equipment.	\$3.2
Support increased workload, improve existing databases, and develop new course materials.	1.5
Subtotal	(\$4.7)
Training and Ensuring Quality of Training	
Update training curriculum for legacy courses.	\$1.5
Restore Quality Assurance Program—auditing consistency and delivery quality of POST-certified classes.	1.0

Restore the Instructor Development Institute.	1.0
Expand Supervisory Leadership Institute.	0.5
Develop four scenarios annually for Force Option Simulators.	0.5
Develop two additional online videos annually related to new legislative mandates.	0.2
Support various other training purposes.	1.0
Subtotal	(\$5.7)
Local Assistance and Reimbursement Funding	
Reinstate “backfill” salary payments (costs of overtime to temporarily backfill the shift of a training attendee).	\$8.0
Increase number of reimbursable hours and reimbursement rate for regular basic academy courses.	7.5
Reinstate reimbursement plans for certain classes and implement new reimbursement plans.	7.0
Increase in stipends for increased “behind the wheel” emergency vehicle operations instruction.	2.0
Subtotal	(\$24.5)
Total	\$34.9

LAO Analysis

Governor’s Proposal Reflects One Approach to Funding POST... POST’s expenditure plan is one way to use the proposed ongoing funding. In developing the plan, POST evaluated nearly all of its programs and identified those areas it believed merited additional funding to maximize the number of officers trained and the impact of training. For example, POST plans to restore some trainings for supervisory law enforcement officers in order to ensure that first-line supervisors are able to appropriately manage, supervise, and mentor the officers reporting to them, as these supervisors are key to creating change and ensuring consistency. The LAO also notes that POST is currently in the process of examining individual programs and courses to ensure consistent treatment (such as reimbursing similar classes consistently) and to focus on areas of greatest statutory or regulatory importance.

... But Legislature Could Provide Different Funding Level and Allocate Funds in Other Ways. However, POST’s expenditure plan is simply one way additional funding for POST can be used. The Legislature will want to consider its overall expectations for POST in terms of desired service levels and outcomes, and ensure that POST has sufficient resources to meet these expectations. As discussed above, POST received \$20 million in one-time General Fund support in the current year for the delivery of use of force, de-escalation, or crisis mental health training. Under the proposed expenditure plan, however, it is unclear how much of the increased

funding would generally be used for these specific purposes. This is concerning because these training activities were identified as legislative priorities in 2018-19. The Legislature could decide that it would like funding to be spent on specific issue areas—which would be consistent with recent actions—or that certain programs or services should be prioritized over others (such as expanding the availability of online classes or videos).

Funding Should Be Tied to Specific Outcome and Performance Reporting. To the extent that additional ongoing funding is provided to POST, it is important that there be clear and specified outcome and performance measures in regards to the uses of the funding. Such information would allow the Legislature to identify the intended expectations for the funding provided and monitor the actual impacts to make sure they are aligned with the identified expectations. The LAO notes that under the administration’s plan, it is unknown what specific outcomes and performance is expected. For example, it is unknown how many additional law enforcement are expected to participate in training as a result of the proposed increase in reimbursement levels. The collection of outcome and performance measures would also help the state identify and compare where new funding had the greatest desired impact and what would be the most cost-effective investments going forward. This would be important in helping the Legislature to determine whether additional funding is needed or if the allocation of existing funding should be modified.

LAO Recommendations

Ensure Funding and Expenditure Plan Reflects Legislative Priorities. The LAO recommends the Legislature ensure that any provided funding as well as any expenditure plans for this funding reflect its priorities. The Legislature can accomplish this in various ways ranging from specifying exactly how funding must be used—such as for use of force trainings—or for certain purposes—such as for regional trainings to more minor modifications to the proposed expenditure plan.

Require Reporting on Specific Outcome and Performance Measures. To the extent that the Legislature approves additional funding for POST, the LAO recommends that it adopt trailer bill language directing POST to report annually on specific outcome and performance measures that are tied to legislative expectations for the additional funding. For example, if the additional funding is provided for training, POST should collect and report information on the number of officers trained, how training was delivered, and the cost per training attendee, as well as the effect of specific trainings on officers’ job performance. To the extent that it takes time to begin collecting information on certain performance measures, the Legislature can direct POST to report on how it plans on acquiring or measuring that information in the near-term until the information becomes available for annual reporting. Such reporting would help the Legislature

evaluate the impact of any new funding provided, as well as make decisions on appropriate funding and service levels in the future.

Staff Recommendation: Hold Open.
